

## **216.710 Definitions for KRS 216.710 to 216.714.**

As used in KRS 216.710 to 216.714:

- (1) "Cabinet" means the Cabinet for Health and Family Services;
- (2) "Client" means an individual who has been accepted to receive personal services from a personal services agency;
- (3) "Crime" means a conviction of or plea of guilty to a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult or child; or the commission of a sex crime. Conviction of or a plea of guilty to an offense committed outside the Commonwealth of Kentucky is a crime if the offense would have been a felony if committed in Kentucky;
- (4) "Department" means a department designated by the Cabinet for Health and Family Services;
- (5) "Designated representative" means a person who has legal authority or is designated by the client to act on behalf of the client with regard to the action to be taken;
- (6) "Direct service" means personal or group interaction between the employee and the client;
- (7) (a) "Personal services" means:
  1. Assisting with a client's ambulation and activities of daily living as defined in KRS 194A.700;
  2. Facilitating the self-administration of medications if such medications are prepared or directed by a licensed health-care professional or the client's designated representative;
  3. Providing services which may be referred to as attendant care, in-home companion, sitter and respite care services, and homemaker services when provided in conjunction with other personal services; and
  4. Providing services that enable the client to live safely, comfortably, and independently;
- (b) "Personal services" excludes the following:
  1. Housing and services provided by a health facility or service as defined in KRS 216B.015;
  2. Voluntary services provided by employers or membership organizations for their employees, members, and families of the employees or members if the services are not the predominant purpose of the employer or the membership organization's business;
  3. House cleaning, laundry, personal shopping, or transportation provided by an entity if the entity offers no other personal services;
  4. Services provided by the client's family or by individuals who provide services to no more than three (3) clients concurrently;
  5. Individuals or entities that provide all personal services on a voluntary basis;

6. Services that require the order of a licensed health-care professional to be lawfully performed in Kentucky;
  7. Hospitals or other entities that provide information to consumers regarding persons who are available as caregivers if the hospital or other entity makes no attempt to manage or coordinate the selection of such persons for consumers and a disclaimer is provided that the entity providing the information has not made an independent assessment of the ability of the individual or agency to provide personal services;
  8. Free Internet resources that identify potential caregivers; and
  9. Any health-care entity or health-care practitioner otherwise licensed, certified, or regulated by local, state, or federal statutes or regulations;
- (8) "Personal services agency" means any person, business entity, corporation, or association, either for-profit or not-for-profit, that directly provides or makes provision for personal services through:
- (a) Its own employees or agents;
  - (b) Contractual arrangements with independent contractors; or
  - (c) Referral of persons to render personal services if the person making the referral has an ownership or financial interest that is realized from the delivery of those services;
- (9) "Parent personal services agency" means a personal services agency located in Kentucky that develops and maintains administrative and fiscal control over a branch office in a different Kentucky location, and does not include an out-of-state personal services agency with a branch office in Kentucky; and
- (10) "Secretary" means the secretary of the Cabinet for Health and Family Services.

**Effective:** June 25, 2009

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